

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

September 8, 2017

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No. 17OD-108

Oahu

Issuance of a Right-of-Entry Permit to the Na Wahine O Ke Kai for 4 annual Canoe Race Events to be held September 2017 through September 2020, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: portions of 021.

APPLICANT:

Na Wahine O Ke Kai, a domestic nonprofit corporation

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waikiki, Honolulu, Oahu, identified as Tax Map Key: (1) 2-3-037: portions of 021, as shown on the attached **Exhibit 1**.

AREA:

Area #1:	3,200 square feet (2 days use; Saturday and Sunday)
Area #2:	200 square feet (1 day use; Sunday)
Area #3:	<u>1,500 square feet (1 day use; Sunday)</u>
Total Area:	4,900 square feet, more or less

ZONING:

State Land Use District: Urban

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act  
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

The requested beach areas are unencumbered

CHARACTER OF USE:

Canoe race event use

TERM:

From 3 p.m. on set-up date 2017-2020 until 6 p.m. on race date 2017-2020.

RENTAL:

Charge is based on a one-time payment of \$0.10 per square foot per day as approved by the Board at its meeting on September 28, 2001, agenda item D-4.

Area #1: 3,200 square feet (2 days use) = 3,200 x 2 days x \$0.10 = \$640.00

Area #2: 200 square feet (1 day use) = 200 x \$0.10 = \$ 20.00

Area #3: 1,500 square feet (1 day use) = 1,500 x \$0.10 = \$150.00

Total Cost: \$810.00 (per event year)

COLLATERAL SECURITY DEPOSIT:

None

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51. See exemption declaration attached as **Exhibit 2**.

DCCA VERIFICATION:

Place of business registration confirmed: YES x NO   

Registered business name confirmed: YES x NO   

Applicant in good standing confirmed: YES x NO   

REMARKS:

The Na Wahine O Ke Kai canoe race event consists of approximately forty-one (41) nautical miles, beginning at Hale-O-Lono Harbor, Molokai and finishes offshore from

the Duke Kahanamoku Beach in Waikiki; fronting the Hilton Hawaiian Village Hotel, located on the island of Oahu. The canoe race-day is scheduled for Sunday, September 24, 2017, starting at 8 a.m. and the teams are expected to finish between five to eight hours thereafter.

The Na Wahine O Ke Kai Committee requests that the Board approve of a right-of-entry permit for its use over the specific areas of the subject beach. The Applicant's request to use portions of the Duke Kahanamoku Beach is for the purpose of bringing closure to the canoe race event. The setting up of the three requested areas of the beach is scheduled to begin at 3 p.m. on Saturday, September 23, 2017, with the breakdown scheduled for 6 p.m. on Sunday, September 24, 2017.

For Board approval purposes of this request, the subject right-of-entry permit includes Beach Areas: #1, #2, and #3, only. See **Exhibit 3**.

Beach Area #1 is intended to be used for Awards Ceremony, Hospitality, Webcast, Spectators, Finishers, and First Aid area. The area is located in close proximity to the parking lot of the Ala Wai Boat Harbor.

Beach Area #2 is intended for the Sponsors of the event.

Beach Area #3 is intended for use as a Canoe Exit Area and is located adjacent to the parking lot where the awaiting canoe trailers will be staged. It is within this area that the canoes will be de-rigged in preparation for transporting and exiting purposes.

The Applicant is requesting access to the Hilton Hawaiian Village Pier (currently encumbered under Revocable Permit No. 7566), located adjacent to where the finish line for the canoe race event will be designated. Revocable Permit No. 7566 requires a \$1.50 toll fee per paying customer. However, it is the staff's understanding that Hilton Hawaiian Village (HHV) will not be charging a fee to any of the canoe race officials nor to its participants for the use of the subject pier. Therefore, staff is of the opinion that HHV will not be required to pay the State for the said toll fee.

The Applicant is also requesting HHV pier walkway be adorned with flags representing the various countries participating in the canoe race.

During the March 13, 2015 Board meeting, under item D-8, the Applicant brought forth the idea of a 10-year permit since it is a yearly event. The Board acknowledged the 10-year proposal with the possibility of rescission, if necessary, and suggested the Applicant consult with Land Division (LD) and Division of Boating and Ocean Recreation (DOBOR). DOBOR has no objection to the issuance of a 10 year permit. LD has reservations on issuing a 10-year permit due to unforeseeable circumstances; e.g., canoe club sold or new owner/management dissolved, and changes in race date or locations. In addition, the processing time on this routine request is not substantial in terms of staff

resources. Therefore, staff recommends the Board continue the current approach, i.e. considering the request on annual basis.

At the same 2015 meeting, notwithstanding the staff's position described above, the Applicant provided the next 10 year race dates: September 24, 2017, September 23, 2018, September 29, 2019, September 27, 2020, September 26, 2021, September 25, 2022, September 24, 2023, September 29, 2024, September 28, 2025, and September 27, 2026, if the Board decide to approve the 10-year permit proposed by the Applicant.

At its meeting on May 27, 2016, under agenda item D-10, the Board approved (as amended) a similar annual canoe race event (Molokai Hoe) for 5 years through the year 2020 for specific race dates in each year (see **Exhibit 4**). However, staff feels that future race dates may change due to unforeseen weather, venue problems, etc. conditions. Therefore, staff recommends a multi-year, right-of-entry permit on September 24, 2017, September 23, 2018, September 29, 2019, and September 27, 2020, including one additional day for set-up prior to race day. However, the Applicant shall inform the Department at least two months in advance of any changes in the approved dates, if appropriate.

The Office of Conservation and Coastal Lands has no comment on the subject request.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

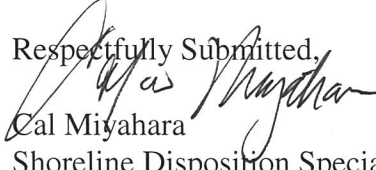
There are no other pertinent issues and concerns regarding the subject request.

RECOMMENDATION: That the Board

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this activity will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Na Wahine O Ke Kai for this year's race and for future races scheduled through the year 2020, covering the subject area for the canoe race event under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - a. The standard terms and conditions of the most current right-of-entry form, as may be amended from time to time; and
  - b. Such other terms and conditions as may be prescribed by the

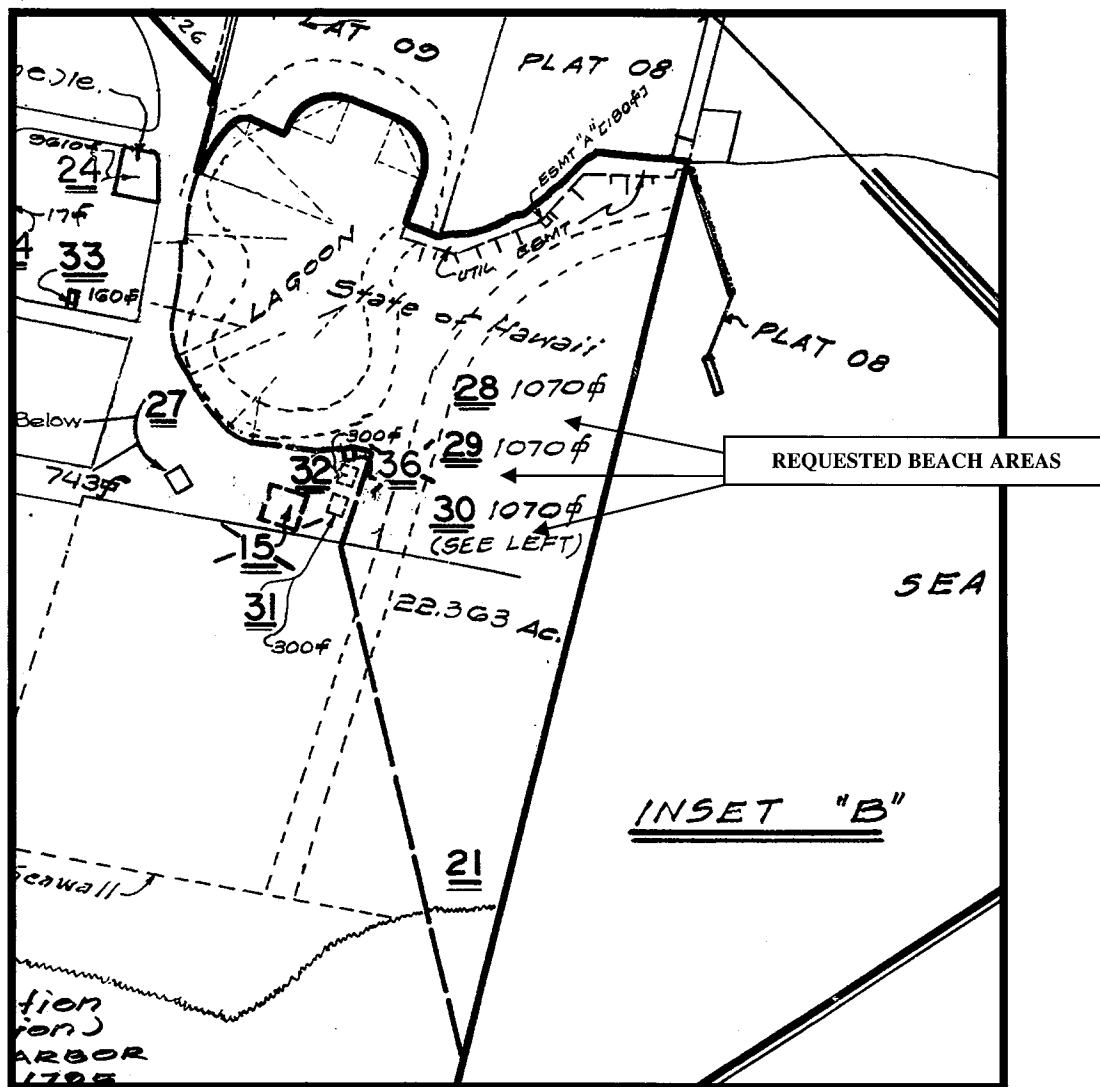
Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
Cal Miyahara  
Shoreline Disposition Specialist

APPROVED FOR SUBMITTAL:

  
Suzanne D. Case, Chairperson



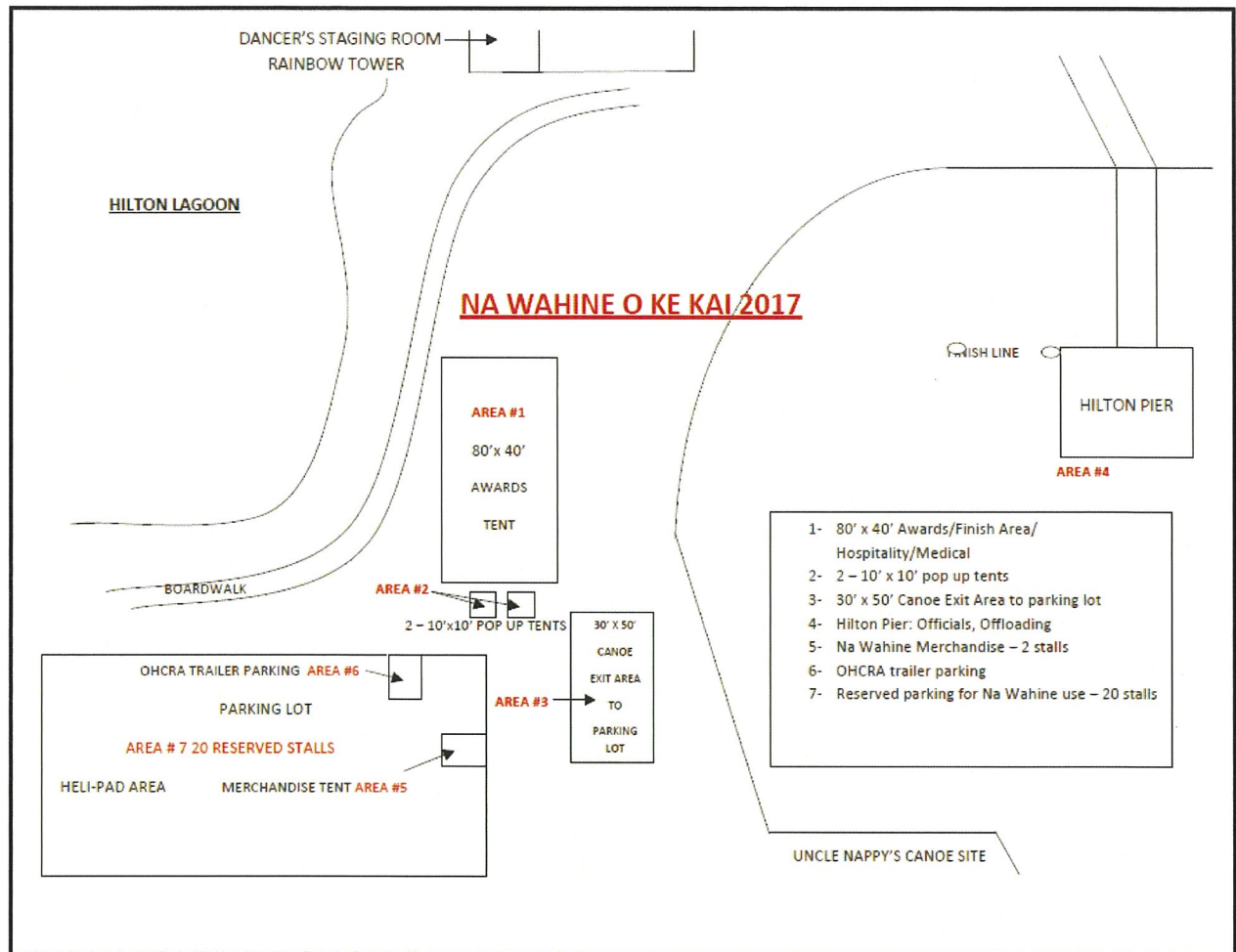
TAX MAP KEY: (1) 2-3-037: PORTIONS OF 21

## EXHIBIT 1

## EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title:	Issuance of a Right-of-Entry Permit to Na Wahine O Ke Kai for a Canoe Race Event
Project / Reference No.:	PSF 17OD-108
Project Location:	Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037:por. 021.
Project Description:	For a Canoe Race Event at Duke Kahanamoku Beach on September 23 and 24, 2017.
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51, which reads “[p]ermits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing”.
	<p>The Board has permitted similar events in the past. The proposed activity is of a similar type and scope of beach activities that periodically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.</p>
Consulted Parties	Consulted with the Office of Conservation and Coastal Lands, who has no objections.
Recommendation:	That the Board finds this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.





**AMENDED**

D-10

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

May 27, 2016

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

PSF No. 16OD-044

Oahu

Issuance of a Right-of-Entry Permit to Oahu Hawaiian Canoe Racing Association Hawaii for the Hawaiian Airlines Molokai Hoe Long Distance Canoe Race Event to be held on October 8 and 9, 2016, at Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037; portions of 021.

APPLICANT:

Oahu Hawaiian Canoe Racing Association Hawaii, a domestic non-profit corporation

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Waikiki, Honolulu, Oahu, identified as Tax Map Key: (1) 2-3-037; portions of 021, as shown on the attached **Exhibit 1**.

AREA:

Area #1: 3,200 square feet  
Area #2: 800 square feet  
Area #3: 1,500 square feet  
Area #5: 20 square feet  
Area #7: 1,500 square feet  
Total Area: 7,020 square feet, more or less

ZONING:

State Land Use District: Urban

TRUST LAND STATUS:

Section 5(a) lands of the Hawaii Admission Act

as amended  
APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON  
May 27, 2016 10

D-10

**Exhibit 4**

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

The requested beach areas are unencumbered.

CHARACTER OF USE:

Canoe Race Event use

TERM:

From 3 p.m. on Saturday, October 8, 2016 until 6 p.m. on Sunday, October 9, 2016.

RENTAL:

Charged is based on a one-time payment of \$0.10 per square foot per day as approved by the Board at its meeting on September 28, 2001, item D-4.

Requested Area of Use = 7,020 sq. ft. x \$0.10 = \$702.00 per day.

Total Cost = \$1,404.00 (\$702.00 x 2 days).

COLLATERAL SECURITY DEPOSIT:

None

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources concurred with by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51. See **Exhibit 2**.

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>x</u>	NO <u>  </u>
Registered business name confirmed:	YES <u>x</u>	NO <u>  </u>
Applicant in good standing confirmed:	YES <u>x</u>	NO <u>  </u>

REMARKS:

The Hawaiian Airlines Molokai Hoe Long Distance Race event consists of approximately forty-two (42) nautical miles beginning at Hale-O-Lono Harbor, Molokai and finishes offshore from Duke Kahanamoku Beach in Waikiki; fronting the Hilton Hawaiian Village Hotel, located on the island of Oahu. The canoe race-day is scheduled for Sunday, October 9, 2015, starting at 8 a.m. and the teams are expected to finish about four to six hours later.

The Oahu Hawaiian Canoe Racing Association Hawaii requests that the Board approve a right-of-entry permit for its use over specific areas of the Duke Kahanamoku Beach. The Applicant's request to use the beach is for the purpose of bringing closure to the canoe race event. The setting up of the five (5) specific areas of the beach is scheduled to begin at 3 p.m. on Saturday, October 8, 2016, and a teardown of those areas is scheduled for the following day, at 6 p.m. on Sunday, October 9, 2016.

For Board approval purposes of this request, the subject right-of-entry permit includes Beach Areas: #1, #2, #3, #5, and #7, only. See **Exhibit 3**.

Beach Area #1 is intended to be used for the Awards Ceremony, Spectators, Hospitality, Webcast, and Finish Area; this area is located within close proximity to the parking lot of the Ala Wai Boat Harbor.

Beach Area #2 is the Exhibitors Area and will consist of exhibitor booths/promotions for the displaying of promotional materials associated with the sport of canoe racing. No commercial types of activities are allowed within this area.

Beach Area #3 is intended as a rest area for the International Paddlers and house the media.

Beach Area #5 will be used to store materials for the closing of the event and will be an additional hospitality area.

Beach Area #7 is intended for use as a Canoe Exit Area and is located adjacent to the parking lot where the awaiting canoe trailers will be staged. It is within this area that the canoes will be partially disassembled in preparation for transporting and exiting purposes. Items related to the closure of the event will also be located within this area.

The Applicant is requesting access to the Hilton Hawaiian Village Pier (currently encumbered under Revocable Permit No. 7566), located adjacent to where the finish line for the canoe race event will be designated. Revocable Permit No. 7566 requires a \$1.50 toll fee per paying customer. However, it is the staff's understanding that Hilton Hawaiian Village (HHV) will not be charging a fee to any of the canoe race officials nor to its participants for the use of the subject pier. Therefore, staff is of the opinion that HHV will not be required to pay the State for the said toll fee.

The Applicant is also requesting HHV pier walkway and around the Main Tent be adorned with flags representing the various countries participating in the canoe race.

At its meeting on August 28, 2015, under agenda item D-2, the Applicant brought forth the idea of a 10-year permit since it is a yearly event. The Board acknowledged the 10-year proposal with the possibility of rescission, if necessary, and suggested the Applicant consult with Land Division (LD) and Division of Boating and Ocean Recreation (DOBOR). DOBOR has no objection to the issuance of a 10 year permit. LD has reservations on issuing a 10-year permit due to unforeseeable circumstances; e.g., canoe club sold or new owner/management dissolved, and changes in race date or locations.



Meanwhile, the processing time on this routine request is not substantial in terms of staff resources. Therefore, staff recommends the Board continue the current approach, i.e. considering the request on annual basis.

Notwithstanding the staff's position described above, the Applicant has provided the following next 10 year race dates: October 8, 2017, October 7, 2018, October 13, 2019, October 11, 2020, October 10, 2021, October 9, 2022, October 8, 2023, October 13, 2024, October 12, 2025, and October 11, 2026, if the Board decide to approve the 10-year permit proposed by the Applicant.

The Office of Conservation and Coastal Lands has no comment on the subject request.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the past five years due to non-compliance with such terms and conditions.

There are no other pertinent issues and concerns regarding the subject request.

RECOMMENDATION: That the Board


1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a right-of-entry permit to Oahu Hawaiian Canoe Racing Association Hawaii for the purpose of covering the subject area for a canoe race event under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
  - a. The standard terms and conditions of the most current right-of-entry form, as may be amended from time to time; and
  - b. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
Cal Miyahara

Shoreline Disposition Specialist

APPROVED FOR SUBMITTAL:

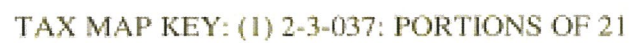
  
Suzanne D. Case, Chairperson

Land Board Meeting: May 27, 2016; D-10:  
Approved as amended.

Approved as amended. See attached page.

Land Board Meeting: May 27, 2016; D-10: Approved as amended.

**Approved as amended.** The Board amended the staff submittal by approving the Right of Entry permits on the dates described in the submittal for the years 2016 through 2020.



## EXHIBIT 1

## EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title:	Issuance of a Right-of- Entry Permit to Oahu Hawaiian Canoe Racing Association Hawaii for the Hawaiian Airlines Molokai Hoe Long Distance Canoe Race
Project / Reference No.:	PSF 16OD-044
Project Location:	Waikiki, Honolulu, Oahu, Tax Map Key: (1) 2-3-037: por. 021.
Project Description:	For a Canoe Race Event at Duke Kahanamoku Beach on October 8 & 9, 2016
Chap. 343 Trigger(s):	Use of State Land
Exemption Class No.:	In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources concurred with by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item 51, which states " Permits, licenses, registrations, and rights-of-entry issued by the Department that are routine in nature, involving negligible impacts beyond that previously existing."

This Division has permitted similar events in the past. The proposed activity is of a similar type and scope of beach activities that periodically occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such, staff believes that the proposed event would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties  
Recommendation:

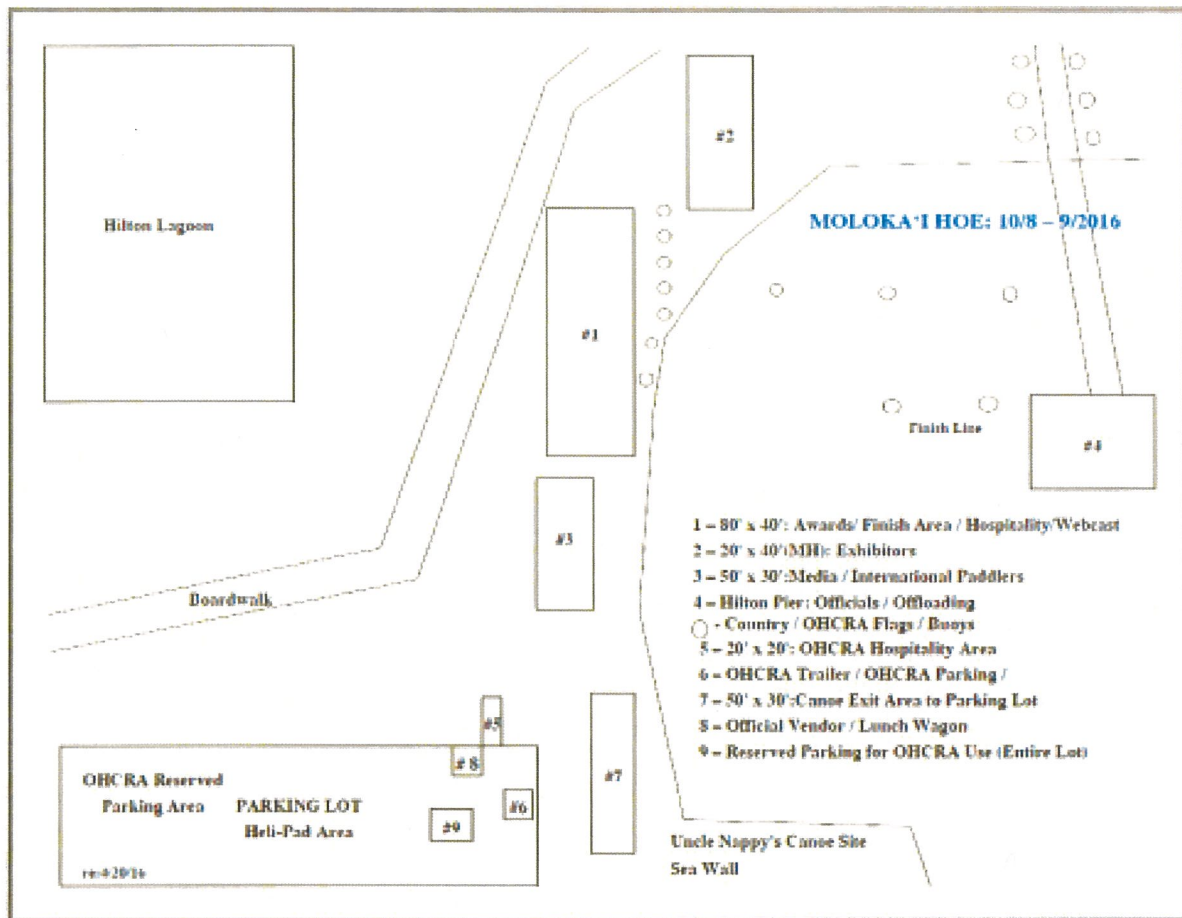
Office of Conservation and Coastal Lands.  
That the Board finds this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

  
Suzanne D. Case, Chairperson

 5/9/16  
Date

**EXHIBIT 2**





### EXHIBIT 3